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## **PRESS RELEASE**

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**FOR IMMEDIATE RELEASE**  
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# **FORMER BORDER PATROL AGENT SENTENCED FOR SEXUALLY ASSAULTING AND KIDNAPPING AN ILLEGAL ALIEN**

**TUCSON, ARIZONA** -- The United States Attorney's Office for the District of Arizona, and Chris M. Roll, Cochise County Attorney, announced that on April 30, 2002, DENNIS MICHAEL JOHNSON, DOB 3/21/66, of Queens, New York, was sentenced to 7 years in prison for sexual assault and 5 years in prison for kidnapping, by United States District Judge Raner C. Collins, in Tucson, Arizona. The prison terms run concurrently.

County Attorney Chris Roll stated that "victimization of illegal aliens by denial of their fundamental rights will not be tolerated." Assistant U.S. Attorney David Flannigan stated "He misused his authority as a law enforcement officer and he acted as a predator of the worst kind".

On September 28, 2000 the defendant Dennis Johnson was the acting supervisor U.S. Border Patrol Agent in charge of the Border Patrol check point on Highway 80, several miles south of Tombstone, Arizona. A detail of Border Patrol officers headed up by Agent Johnson had detained the female victim in a vehicle within the city limits of Tombstone. The victim was 21 years of age from El Salvador and traveling as an undocumented alien, along with five other male aliens. A female Border Patrol agent initially processed the victim, but the Defendant quickly separated her from her traveling companions and locked

(MORE)

her into the rear seat cage area of his sedan. Afterwards, the victim's traveling companions were taken back to the check point, where they were held briefly before transporting them 40 miles east to the Douglas Border Patrol Station. There, they were entered into the IDENT computer system and voluntarily returned to Mexico, at Agua Prieta. As a standard practice, undocumented aliens are almost always processed at a Border Patrol Station and entered into the IDENT nationwide computer system before voluntary return or other proceedings.

Meanwhile, the Defendant kept the victim in his vehicle and, after stopping at the checkpoint to talk with other officers, headed east toward the Douglas Border Patrol station. After driving for a period of time, the Defendant turned north and then headed on a dirt road back to Tombstone, thereby avoiding the checkpoint. The Defendant took the victim about 15 miles north-west of Tombstone, turned down a remote road, and drove for a few miles. The Defendant handcuffed the victim, threatened her and sexually assaulted her. The Defendant was in uniform and in possession of a firearm.

Following the incident, the defendant drove the victim approximately 40 miles south to the Port of Entry at Naco, Arizona, and told her to walk back to Mexico. During the victim's processing at Naco, Mexico, a Mexican immigration officer determined that she was an El Salvadorian national, and not a Mexican citizen. Accordingly, he refused her entry into Mexico and called the United States Border Patrol to pick her up. The Border Patrol brought the victim to the near-by Naco Border Patrol Station. When the victim told them that she had been taken by a Border Patrol Agent to Naco, but they found no record of her having been apprehended by Border Patrol nor entered into the IDENT computer system, they realized that something was wrong. The victim was then fully interrogated, and she reported the kidnapping and sexual assault. From the victim's description of the apprehension scene and Border Patrol officers on-hand, investigating officers were able to identify the Defendant as a suspect.

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Law enforcement officers interviewed the Defendant, who admitted that he had handcuffed the victim behind her back and that she had cried . However, the Defendant maintained that the sexual act was consensual. Physical evidence was seized, and DNA testing proved that the defendant's semen was present.

Defendant Dennis Johnson was found guilty by jury on February 19, 2002, of sexual assault and kidnapping.

At sentencing, the Judge found as an aggravating factor that the Defendant misused his position of trust and authority as a government agent. The court found Defendant's prior unblemished record and character evidence to be mitigating factors, and found that the aggravating factor was outweighed by the mitigation. The sentence handed down by Judge Collins for both offenses was the presumptive sentence under Arizona law.

The investigation in this case was conducted by the Office of the Inspector General, Department of Justice, and the Cochise County Sheriff's Department.

The prosecution was initiated in Cochise County Superior Court and was removed to federal court by the defendant. The prosecution was handled by David P. Flannigan, originally from the County Attorney's Office, who became an Assistant United States Attorney during the litigation, and by Assistant United States Attorney Sean Chapman.

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